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*Pro Defendente*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

MISSOULA DIVISION

**JAMES C. MURRAY and  
ALLISON B. MURRAY, husband  
and wife,**

Plaintiffs,

v.

**HOWARD C. BRAND, JR.,**

Defendant.

Montana Twenty-First Judicial  
District Court, Ravalli County  
Cause No.: DV-09-691

**U.S. District Court**

**Cause No.: CV 10-01-M-DWM**

***NOTICE OF REMOVAL***

Defendant Howard C. Brand, Jr. (hereinafter "Defendant"), by and  
through his counsel of record, hereby removes this action to the United



States District Court for the District of Montana, Missoula Division. In support of this removal, Defendant states the following:

1. Defendant is an individual citizen of Ketchikan Borough, Alaska.
2. Plaintiffs James C. Murray and Allison B. Murray are individuals and citizens of Ravalli County, Montana.
3. This Court has jurisdiction under 28 U.S.C. § 1441, based under diverse jurisdiction as provided for under 28 U.S.C. § 1332 and the amount in controversy, upon information and belief, exceeds \$75,000.00.
4. The United States District Court for the District of Montana, Missoula Division, is the proper court to remove actions from the Twenty-First Judicial District Court for the State of Montana.
5. Pursuant to 28 U.S.C. § 1446(a), Defendant is attaching a copy of all process, pleadings and orders that have been filed in the Montana Twenty-First Judicial District Court, Ravalli County, Cause No. DV-09-691, as Exhibit A.
6. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely, because it is filed within thirty (30) days after receipt by Defendant, on December 24, 2009, through service by mail, a copy of the Plaintiffs'



Complaint setting forth the amount claimed for relief which brings the case within the jurisdiction of the United States District Court.

ACCORDINGLY, Defendant hereby gives notice that this action is removed to the U.S. District Court for the District of Montana, Missoula Division.

Dated this 5<sup>th</sup> day of January, 2010.

Respectfully Submitted,  
SULLIVAN, TABARACCI & RHOADES, P.C.

By: /s/ Quentin M. Rhoades  
Quentin M. Rhoades  
Christopher V. Fagan  
*Pro Defendente*



**CERTIFICATE OF SERVICE**

I hereby certify that on the 5<sup>th</sup> day of January, 2010, I served a true and correct copy of the foregoing on the following persons by the following means:

_____	CM/ECF
_____	Hand Delivery
<u>  1  </u>	Mail
_____	Overnight Delivery Service
_____	Fax
_____	E-Mail

1. Terance P. Perry, Esq.  
Phil McCreedy, Esq.  
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By: /s/ QuentinM. Rhoades  
Quentin M. Rhoades  
Christopher V. Fagan  
*Pro Defendente*

